

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
08-CR-659(JMR/JSM)

James Phinn Shannon	)	
	)	
v.	)	ORDER
	)	
Minnesota Department of	)	
Corrections	)	

Plaintiff objects to the Report and Recommendation, issued April 10, 2008, by the Honorable Janie S. Mayeron, United States Magistrate Judge. The Magistrate recommended that this matter be summarily dismissed for failure to state a cause of action on which relief can be granted, and that plaintiff's application to proceed in forma pauperis be denied. The Magistrate further recommended that plaintiff remain liable for the balance of his unpaid filing fee, and that dismissal of this action count as a strike against him for purposes of 28 U.S.C. § 1915(g). Plaintiff's objections to the Report were timely filed, pursuant to Local Rule 72.1(c)(2).

Based upon a de novo review of the record herein, the Court adopts the Magistrate's Report and Recommendation. Accordingly, IT IS ORDERED that:

1. Plaintiff's application to proceed in forma pauperis [Docket No. 2] is denied.

2. This action is summarily dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

3. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely \$340.63, in accordance with 28 U.S.C. § 1915(b)(2).

4. For purposes of 28 U.S.C. § 1915(g), this action is dismissed "on the ground that it is frivolous, malicious, or fails to state a claim on which relief may be granted."

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 24th, 2008

s/ James M. Rosenbaum  
JAMES M. ROSENBAUM  
United States Chief District Judge